

Message Text

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PAGE 01 YAOUND 00691 031718Z

63

ACTION L-02

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FM AMEMBASSY YAOUNDE

TO SECSTATE WASHDC 5264

INFO AMEMBASSY MADRID

USMISSION USUN

AMCONSUL DOUALA BY POUCH

LIMITED OFFICIAL USE YAOUNDE 0691

E.O.: 11652: N/A

TAGS: PFOR, CPRS, GIT, EK

SUBJ: ALLOTEY TRIAL

REF: YAOUNDE 611

1. DEPT WILL RECALL THAT GOEG HAS NEVER WAVERED IN ITS CLAIM THAT ALLOTEY TRANSACTION COVERED BY A U.S.G. "GUARANTEE". IN ITS VIEW IT HAS SHOWN ITS GOOD FAITH IN COOPERATING WITH U.S.G. IN EFFORT TO BRING ALLOTEYS TO JUSTICE, A PROCESS WHICH HAS CONSUMED ALMOST THREE YEARS, WITHOUT MATERIAL RESULT.

2. WE MUST NOW FACE UP TO LIKELIHOOD THAT GOEG WILL BE MOST RELUCTANT, IF NOT UNWILLING, TO ENGAGE LAWYERS TO PURSUE CIVIL ACTION, NOT ONLY BECAUSE OF EXPENSE INVOLVED IN RELATION TO UNCERTAINTY OF OUTCOME BUT BECAUSE OF PROSPECT OF YEARS OF LITIGATION THAT MIGHT BE INVOLVED UNDER OUR BEWILDERING (TO THEM) LEGAL SYSEM. THUS IN DEVELOPING SUGGESTIONS ON POSSIBLE MEANS FOR RECOVERING MONEY DAMAGES THROUGH CIVIL ACTION IN U.S. IT IS PARTICULARLY IMPORTANT CHAT THEY BE PRACTICABLE AND CONCRETE ENOUGH TO CONVINCE GUINEANS THAT EFFORT IS WORTH UNDERTAKING.

3. THERE IS MORE THAN A REMOTE LIKELIHOOD THAT GOEG GOADED ON BY TREVIJANO, WILL TAKE POSITION THAT TIME HAS COME TO INSIST

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PAGE 02 YAOUND 00691 031718Z

THAT USG MAKE GOOD ON "GUARANTEE". DESPITE OUR VIEW THAT NO

GUARANTEE EXISTS I DO NOT BELIEVE A LEGAL STUDY ON THIS POINT
HAS EVER BEEN MADE OR THAT WE HAVE EVER EXPLAINED BASIS OF OUR
POSITION ON GUARANTEE TO GOEG IN FORMAL WAY. I RECOMMEND SUCH
A STUDY NOW BE MADE IN ANTICIPATION OF NEED, SOONER THAN LATER,
TO SET FORTH THAT POSITION.
MOORE

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